

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHARLES BRYANT	§	
v.	§	CIVIL ACTION NO. 6:18cv395
LORIE DAVIS	§	

ORDER OF PARTIAL DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report recommending that the Defendant's motion for summary judgment be granted as to all of the claims except for Plaintiff's allegation that he is being served sack meals which he cannot eat because of cross-contamination with food for which he has religious prohibitions. The Magistrate Judge also recommended that the Plaintiff be required to clarify his remaining claim.

The Defendant has filed objections to the Report and the Plaintiff has filed a supplemental brief clarifying his claim. The Plaintiff states that he reserves the right to object to the Report, but did not file timely objections. He filed a motion for extension of time, which was granted, but he did not file objections. Instead, he has sought another extension. The docket shows that Bryant received the Report on August 13, 2019 and has had ample time in which to file objections. His request for a second objection is without merit. However, the court may entertain appropriate motions upon a showing of good cause.

The Court has conducted a *de novo* review of the Defendant's objections and has determined that these are without merit. These objections contained summary judgment evidence which should have been included in the motion for summary judgment and not presented for the first time in objections to the Magistrate Judge's Report.

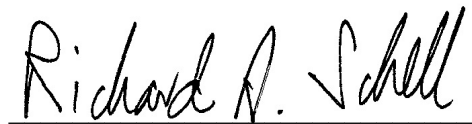
The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the case, has been presented for consideration. The court has conducted a *de novo* review of the objections raised by Defendant to the Report. It concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court. It is accordingly

ORDERED that the Defendant's motion for summary judgment (docket no. 13) is **GRANTED** as to all claims except for Plaintiff's allegation that he is being served sack meals which he cannot eat because of cross-contamination with food for which he has religious prohibitions. The motion for summary judgment is **DENIED** as to that claim. It is further

ORDERED that the Defendants shall have 30 days in which to respond to the Plaintiff's supplemental brief (docket no. 32) with regard to the remaining claim in the lawsuit. Finally, it is

ORDERED that the Plaintiff's second motion for extension of time (docket no. 33) is **DENIED** without prejudice to the filing of a proper motion with a showing of good cause.

SIGNED this the 27th day of September, 2019.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The middle initial "A." is written in a smaller, more compact script. The last name "Schell" is written with a large, prominent "S" and a long, sweeping tail that extends to the right.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE